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**To:** OFFICE OF PETITIONS

**From:** Joseph R. Keating

**Fax:** (703) 385-6946

872-9306

**Date:** December 26, 2003

**Phone:**

**Pages:** 39

**Re:** 09/738,051

**CC:**

36856.415

**•Comments:**

**URGENT!!!!**

## **SPECIAL PROCEDURES SUBMISSION**

Please find attached the following documents for the above-identified application:

1. a Petition Under 1.313(b)(5) To Withdraw the above-identified application from Issue;
2. a credit card form in the amount of \$130.00;
3. an Request for Continued Examination (RCE);
4. a credit card form in the amount of \$770.00; and
5. an Information Disclosure Statement.

Respectfully submitted,

Joseph R. Keating  
for  
KEATING & BENNETT, LLP  
(Registration Number 37,368)



# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA)

Application Number	09/738,051
Filing Date	December 15, 2000
First Named Inventor	Toshikazu FUNAHARA
Group Art Unit	2834
Examiner Name	T. Dougherty
Attorney Docket Number	36856.415

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.63 (d) (PTO/SB/29) instead of a RCE to be eligible for the Patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000) which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
  - i. ☐ Consider the amendment(s) reply under 37 C.F.R. § 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered).
  - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
  - iii. ☐ Other
- b. ☒ Enclosed
  - i. ☐ Amendment/Reply
  - ii. ☐ Affidavit(s)/Declaration(s)
  - iii. ☒ Information Disclosure Statement (IDS)
  - iv. ☐ Other

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103© for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

## 1. Fees The RCE fee under 37 C.F.R. § 1.17 (e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_
  - i. ☐ RCE fee required under 37 C.F.R. § 1.17(e) 12/29/2003 AMOUNT: 00000001 09738051
  - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 01/20/2001 770.00 05
  - iii. ☐ Other
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Joseph R. Keating	Registration No. (Attorney/Agent)	37,368
Signature		Date	December 26, 2003

## CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being deposited via Hand Delivery to the U.S. Patent and Trademark Office, Mail Stop 313(c), Arlington, VA 22202 on:

Name (Print/Type)	Sonia V. McVean	Date	December 26, 2003
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231